

REMARKS

By this amendment, claims 58, 81, 92-94, and 97 have been amended, and claims 100 and 101 have been added. Claims 58-60 and 68-101 are pending in this application. Claims 59, 60, 69-72, 74-76, 82, 83, and 85-87 were withdrawn from consideration by the Examiner as being drawn to non-elected species in the absence of an allowed generic or linking claim. However, these withdrawn claims are believed to now be in condition for allowance, as they depend from generic claims now in condition for allowance.

The Office Action rejected claims 58, 68, 77, 79-82, 88, 90, and 91 under 35 U.S.C. 102(b) as being anticipated by Stoll. The Office Action rejected claims 73, 84, and 92-99 under 35 U.S.C. 103(a) as being unpatentable over Stoll in view of Hwang. The Office Action rejected claims 78 and 89 as being unpatentable over Renner in view of Stoll.

A telephone interview was conducted on September 7, 2007 between Examiner John Fox and Applicants' Attorney, Ken Smith. Currently amended claim 58 and U.S. Patent No. 5,746,110 to Stoll were discussed. Examiner Fox indicated that after his initial review of claim 58 in view of the Stoll patent, claim 58 appears to define over the Stoll patent, as discussed in greater detail below.

Applicants respectfully submit that amended claims 58, 81, 92-94, and 97 are patentable over the above cited references, because each of these claims recites features not disclosed or suggested in any of the above cited references. For example, claims 58, 81, 92-94, and 97, as amended, recite an adjustable member having a surface that is positionable to selectively set a limit position, with the adjustable member being configured to communicate pressurized fluid through an opening in the adjustable member against a piston to move the piston against at least atmospheric pressure and towards the limit position. In Stoll, to advance the piston 6 (towards a "limit position" defined by abutment surface 55), fluid under pressure is applied to the piston 6 via thrust chamber port 11 and passage 34, while fluid is expelled through openings (abutment rod channel 53 and radial passages 54) in the adjustable abutment rod 5 (see col. 4, lines 15-20). If pressurized fluid is applied to the piston 6 through these openings (radial passages 54 and channel 53), the piston 6 would be moved away from (and not towards) engagement with the abutment surface 55 (see col. 4, lines 21-24), contrary to the feature recited in amended claim 58.

Neither Hwang nor Renner disclose the above described feature. Therefore, even if a combination of these references is considered, the claimed invention is not anticipated nor obvious under Graham. As such, claims 58, 81, 92-94, and 97 are believed to be in condition for allowance. Currently pending claims 68, 73, 77-80, 84, 88-91, 95, 96, and 98-101 each depend from one of claims 58, 81, 94, and 97, and are also in condition for allowance. Withdrawn claims 59, 60, 69-72, 74-76, 82, 83, and 85-87 all depend from either of generic claims 58 and 81, and are therefore also patentable over the cited references and in condition for allowance.

Applicants respectfully submit that all currently pending claims and withdrawn claims depending from currently pending claims are now in condition for allowance. Any questions regarding this application can be addressed to the undersigned.

Respectively submitted,

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